



NATIONAL CONGRESS OF AMERICAN INDIANS

William F. Caton, Acting Secretary
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

RE: FCC ET DOCKET No. 98-206

March 22, 2002

Dear Mr. Canton:

I write on behalf of the National Congress of American Indians (NCAI), the nation's oldest, largest, and most representative tribal government association, to strongly urge the Federal Communications Commission to license all qualified applicants seeking to provide terrestrial video programming and broadband Internet services in the 12.2-12.7 GHz band. NCAI understands that the Commission is considering auctioning terrestrial use of this spectrum and we strongly oppose this course.

Auctions do not facilitate the deployment of broadband in Native American communities. NCAI recently published a study, "Connecting Indian Country: Tribally-Driven Telecommunications Policy," which found that the telecommunications capability of Native American and Alaska Native areas still lags far behind the rest of the United States. The difficulty in finding service providers willing and able to provide telecommunications to Native American communities is well documented. As the FCC's own records show, auctions do nothing to narrow that gap and indeed may exacerbate the problem. Of over 21,000 licenses offered at auction during 2001, less than one third were actually sold and only the largest markets had any bidders at all. If the FCC auctions use of the 12.2-12.7 GHz band, the potential to bring video and broadband services to our communities in that spectrum will remain unfulfilled.

NCAI understands that one company in this proceeding, the small startup technology company Northpoint, and its Broadwave USA affiliates, are ready to serve Native American communities now with a proven technology. No other company has committed to the two-year build out that Northpoint has offered or even completed the required technical demonstrations. In our view, it makes sense to simply license this applicant's technology, as well as any other similarly qualified technologies, now, rather than to hold an auction at some point in the future. Native American communities need service immediately. In addition to individual consumers, many of our schools and hospitals

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lack any form of broadband access at all, and most lack competition for services. Allowing Northpoint to deploy its technology now would be of extraordinary value to Native American communities nationwide.

Northpoint's technology will also carry video services and provide access to all local and educational channels in all 210-television markets. This is especially significant to us because direct broadcast satellite services presently provides carriage to local broadcast in only the top markets, leaving 19 states entirely without local content. In Native American communities, the opportunity to for Native American content providers to partner with local Broadwave affiliates offers tremendous potential to deliver critical educational, cultural, and public affairs programming to our community.

Finally, in a time of media concentration and erosion of minority ownership, Northpoint/Broadwave's unique business model supports the FCC's goal of increased minority ownership of communications services and offers a unique opportunity for Native Americans and tribal governments to own local media outlets. Women and minorities constitute 65 percent of Broadwave owners, and Native Americans are 3.4 percent of the owners. In contrast, all minorities combined currently own only 1.9 percent of broadcast stations and approximately 4 percent of radio stations.

In sum, applications for terrestrial licenses to provide terrestrial video programming and broadband Internet services in the 12.2-12.7 GHz band are of tremendous importance to Native American communities throughout the United States. NCAI urges the FCC to reject calls for auctioning the terrestrial use of the spectrum in the 12.2-12.7 GHz band and support immediate licensing and deployment of this innovative technology.

Sincerely,

Tex Hall
President